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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,496	07/24/2003	Damian G. Bonicatto	11838.0058-US-01	1984
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EXAMINER				
WONG, XAVIER S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,496

Applicant(s)

BONICATTO ET AL.

Examiner

Xavier Szewai Wong

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14th January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims **1** and **5** have been amended
Claim **7** has been canceled
Claims **1-6** are pending in the present application

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 6th August 2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ouellette (U.S Pat 5,495,239)** in view of **Grindahl et al (U.S Pat 4,799,059)**.

Consider claim 1, **Ouellette** discloses a bi-directional communication system within an electrical power distribution system (col. 7 ln. 61-64; *abstract*) that connects endpoints (metering devices 16) that comprise transceivers and connects to a power distribution line 17 (col. 6 ln. 21-23; col. 8 ln. 50-51; fig. 2 items 16 & 17); the endpoints are identified by a predetermined address/unique I.D (col. 9 ln. 1-5) in the power distribution system comprising: transformers + mobile nodes 12 & 22 (as substations) coupled to power lines 17 in the system (col. 4 ln. 32-37; fig. 2 items 12, 17 & 22); the substations (mobile node portion) comprise a circuit/microprocessor 32 as shown in figure 3 that translates radio frequency signals in a band(width) bi-directionally with the metering devices to track source and destination addresses/I.Ds in a "find endpoint" packet shown in figure 5 items 30a/b (col. 3 ln. 23-25; col. 7 ln. 59-67; col. 8 ln. 62-67; col. 9 ln. 3-10); the substation mobile node portion acts as a "passthrough" for any incoming metering devices frequency signals (therefore, indicating a *receiving* status in a frequency bandwidth), then translates (status *assignment*) the frequency signals for sending (col. 3 ln. 23-25; col. 7 ln. 27-39; col. 8 ln. 2-8). However, **Ouellette** may not

have *explicitly* mentioned mapping or assigning unique ID to a base frequency and a status indicating that the substation transceiver is receiving signals in the frequency bandwidth. **Grindahl et al** disclose in the *abstract* an automatic/remote instrument (meter) monitoring device for electricity consumption (therefore, power distribution) (col. 6 ln. 53-56; col. 12 ln. 9-10) connected to a transponder (col. 3 ln. 8-10; col. 7 ln. 17-34; fig. 5) that transmits RF activation signals in the form of a tone modulated onto a carrier (wave); information packet signals are transmitted at pseudorandom (unique for each meter) frequency bandwidth as a Manchester encoded (string) bit stream (mapping: col. 3 ln. 20-25) including an instrument identification field corresponding to each meter (assigning: col. 3 ln. 48-51). A transmitter activator in a mobile node/vehicle transmits polling signals (as find command) to the transponders connected to the meters as the transponders send information packets back to the activator in their respective frequencies and bandwidths (col. 5 ln. 3-33/59-60; fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the mapping and assigning of unique ID and indication of receiving signals in the receiving bandwidth of **Grindahl et al** to the substations of **Ouellette** to ensure valid transmissions and encoded data represents, as received, the correct meter reading.

Claims **2** and **6** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ouellette (U.S Pat 5,495,239)** in view of **Grindahl et al (U.S Pat 4,799,059)** and in further view of **Ardalan et al (U.S Pat 6,900,737 B1)**.

Consider claim 2, and as applied to claim 1, **Ouellette** discloses the claimed invention including transmitting packet with a unique I.D and an assigned frequency bandwidth to the endpoint transceiver. However, **Ouellette**, as modified by **Grindahl et al**, may not have *explicitly* mentioned determining whether the substation stopped receiving a signal; and the substation retransmitting the find endpoint packet. **Ardalan et al** disclose a gateway portion for a power meter reading system (as substation) retransmit SMS packets to meters (endpoints) if no responses are received from the meters, and therefore, the gateway sends out SMS (find) packets until a response is received (col. 2 ln. 11-14; col. 5 ln. 61-66; col. 6 ln. 13-17). It would have been obvious to one of ordinary skill in the art to incorporate the teachings of retransmitting a “find endpoint” packet as taught by **Ardalan et al**, in the system of **Ouellette** and **Grindahl et al**, for acknowledgement purpose. The system of **Ardalan et al** also disclose the ability to schedule times when the meters will be active and respond to SMS packets (col. 2 ln. 16-17); therefore, it is obvious to recognize the ability to determine whether a substation stops receiving signals from the endpoints as taught by **Ardalan et al**, in the system of **Ouellette** and **Grindahl et al**, for avoiding signal collision.

Consider claim 6, and as applied to claim 2, **Ouellette**, as modified by **Grindahl et al** and **Ardalan et al**, discloses a mobile node (at a second location) with microprocessor circuit (fig. 2 item 24) may be coupled to a second transformer (second power distribution substation transceiver) at a second location according to the multiple transformers 12 shown in figure 1 (col. 5 ln. 16-24); wherein the mobile node portion through instructions of a system control center (control server) of the substation

combination may communicate with a first or second power distribution substation/transformer (col. 5 ln. 7-24; claim 16). Since **Ouellette's** mobile node portion can receive instructions from a system control center *as explained above*, it can instruct a first or second transceiver to map unique I.Ds of any endpoints/meters to a base frequency and bandwidth (col. 3 ln. 23-25; col. 9 ln. 1-5); transmit a "find endpoint" packet with the I.D for the endpoint/meter (col. 8 ln. 62-67); assigning status to a base frequency upon receiving signal from the endpoint/meter (translation of frequency signals) either the first or second substation transceiver (col. 8 ln. 2-8) and since the substation mobile node portion acts as a "passthrough" for any incoming metering devices frequency signals, it is indicating a *receiving* status in a frequency bandwidth (col. 7 ln. 27-39). Though **Ouellette** may not have explicitly mentioned during a communication loss between an endpoint and a first power distribution substation transceiver, it would have been obvious to one of ordinary skill in the art to recognize the ability to substitute a first substation transceiver's tasks during a communication loss by a second substation transceiver (one mobile node serving both transceivers) through an electrical load 14 other than a (failed) transformer 12 as long as the mobile node is in the power distribution system (col. 6 ln. 66-67; col. 7 ln. 1-3).

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ouellette (U.S Pat 5,495,239)** in view of **Grindahl et al (U.S Pat 4,799,059)** and in further view of **Fischer (U.S Pat 5,502,726)**.

Consider claims **3** and **4**, and as applied to claims **1** and **3**, **Ouellette**, as modified by **Grindahl et al**, discloses the claimed invention including the substation transceiver and the endpoint unique I.D. However, **Ouellette**, as modified by **Grindahl et al**, may not have *explicitly* mentioned the transceiver repeatedly transmit the “find endpoint” packet in a *one minute predetermined interval* until the transceiver receives a signal from the endpoint. **Fischer** discloses a (transmit/receive) station that retransmits any unacknowledged packets repeatedly in one-minute retry cycles until a session (reply) is successfully established (col. 37 ln. 24-36). It would have been obvious to one of ordinary skill in the art to incorporate the teachings of a transceiver repeatedly transmit a “find endpoint” packet in a one minute predetermined intervals until the transceiver receives a signal from the endpoint as taught by **Fischer**, in the system of **Ouellette** and **Grindahl et al**, for acknowledgement purpose.

Claim **5** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ouellette** (U.S Pat 5,495,239) in view of **Fischer** (U.S Pat 5,502,726), **Grindahl et al** (U.S Pat 4,799,059) and in further view of **Sipola** (U.S Pub 2004/0105386 A1).

Consider claim **5**, and as applied to claim **3**, **Ouellette**, as modified by **Grindahl et al** and **Fischer**, discloses the claimed invention including the substation transceiver to repeatedly transmit the “find endpoint” packet in a predetermined interval. However, **Ouellette**, as modified by **Grindahl et al** and **Fischer**, may not have explicitly mentioned the repeated transmission of packet being interrupted only by a prescheduled transmission of an alternative packet. **Sipola** discloses a scheduler that

interrupts a current (may be a repeated flow) data packet flow due to another retransmission data packet flow with higher priority (therefore, prescheduled) described in paragraph 0056. It would have been obvious to one of ordinary skill in the art to incorporate the teachings of a repeated transmission of packet being interrupted only by a prescheduled transmission of an alternative packet as taught by **Sipola**, in the system of **Ouellette**, as modified by **Grindahl et al** and **Fischer**, for improving multi-flow transmission over a single resource.

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

This action is made Non-Final

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. **Do Boer (US 6690295 B1)**: an identifier is allocated on the basis of a frequency characteristic of the at least one radio signal
3. **Umeda (US 5805573 A)**: a receiving data monitor of a HUB detects the number of data collisions occurred in each in-bound channel having a specific frequency, on the basis of the identification supplied from a receiving data identifying section and NAK signal transmission requests output from a receiver.

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Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xavier Wong whose telephone number is (571) 270-1780. The examiner can normally be reached on Monday through Friday 8 am - 5 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

/Seema S. Rao/
Supervisory Patent Examiner,
Art Unit 2616

Xavier Szewai Wong
X.S.W / x.s.w
31st March 2008